REMARKS

Claims 1-20 are pending in the application.

Claims 1-20 have been rejected.

Claims 1-20 remain pending in this application.

Reconsideration of the claims is respectfully requested.

The Applicants make the aforementioned amendments and subsequent arguments to place this application in condition for allowance. Alternatively, the Applicants make these amendments and offer these arguments to properly frame the issues for appeal.

I. CLAIM REJECTION UNDER 35 U.S.C. § 103

Claims 1-20 were rejected under 35U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,292,838 B1 to *Nelson*, hereinafter "Nelson" in view of U.S. Patent Application Publication No. 2002/0039357 A1 to *Lipasti*, hereinafter "Lipasti" in view of U.S. Patent Application Publication No. 2003/0212821 A1 to *Gillies, et al*, hereinafter "Gillies" and further in view of U.S. Patent No. 6,985,476 B1 to *Elliott, et al*, hereinafter "Elliott". The Applicants respectfully traverse the rejection.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a prima facie case of obviousness. MPEP § 2142, p. 2100-125 (8th ed. rev. 5, August 2006). Absent such a prima facie case, the Applicants are under no obligation to produce evidence

of nonobviousness. *Id.* To establish a *prima facie* case of obviousness, three basic criteria must be

met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in

the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.*

Finally, the prior art reference (or references when combined) must teach or suggest all the claim

limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable

expectation of success must both be found in the prior art, and not based on Applicants' disclosure.

Id.

The Applicants respectfully submit that the combination of cited references fails to teach or

suggest all the claim limitations of independent Claim 1. Specifically, Claim 1 recites,

"implementing, with a MANET Routing Protocol module, a MANET routing protocol at a medium

access control (MAC) layer by, at the MAC layer, (i) intercepting a first data packet associated with

at least one of the incoming data packet and the outgoing data packet, (ii) determining a first MAC

layer address associated with said first data packet, and (iii) adding said first MAC layer address to

said first data packet."

The Office Action correctly notes that Nelson fails to teach a mobile ad hoc network

(MANET). The Office Action also correctly notes that Nelson and Lipasti fail to disclose

implementing a MANET routing protocol at a MAC layer. However, the Applicants respectfully

submit that Lipasti not only fails to disclose implementing a MANET routing protocol at a MAC

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layer but also teaches away from implementing a MANET routing protocol at a MAC layer. For example, Paragraph [0027] of Lipasti states:

> [0027]   Specific routing addresses besides IP addresses can be used for addressing and routing in mobile ad hoc networks, for example in the Bluetooth scatternets. This is especially useful when sending a packet to an IP address since **the layer 2.5 destination routing address can be directly deduced from the IP destination address, i.e. no MAC address inquiry using ARP requests is necessary**. (Emphasis added by the Applicants.)

A reference may be said to "teach away" from the claimed invention when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. *In re Gurley*, 27 F.3d 551, 553, 31 U.S.P.Q.2D 1130, 1131 (Fed. Cir. 1995). As established in Paragraph [0027], Lipasti teaches away from a routing protocol at a MAC layer by deducing a routing address directly from the IP destination address to avoid a MAC address inquiry. Therefore, one of ordinary skill in the art would be discouraged from implementing a MANET routing protocol at a MAC layer upon reading Lipasti.

Independent Claim 11 recites limitations analogous to the novel limitations emphasized above in traversing the rejection of Claim 1 and, therefore, also is patentable over the cited references. Additionally, Claims 2-10 and 12-20 depend from Claims 1 and 11, respectively, and include all the limitations of their respective base claims. As such, Claims 2-10 and 12-20 also are patentable over the cited references.

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Accordingly, the Applicants respectfully request the Examiner to withdraw the § 103

rejection with respect to Claims 1-20.

CONCLUSION

As a result of the foregoing, the Applicants assert that the remaining claims in the Application are in condition for allowance, and respectfully requests that this Application be passed to issue.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckcarter.com.*

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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